



Questions and Answers: Industry Conservation Plan for the American Burying Beetle

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Q. What action is the U.S. Fish and Wildlife Service (Service) taking?

A. The Service has approved an Oil and Gas Industry Conservation Plan (ICP) and environmental assessment for the American burying beetle (ABB). The ICP will provide industry with a mechanism for incidental take authorization associated with construction, operation, maintenance, repair and decommissioning of oil and gas projects within the 45 county planning area in Oklahoma. The ICP also describes measures to minimize and mitigate for take of the ABB and impacts to its habitat. Industry can now submit permit applications to the Service.

Q. What is the Industry Conservation Plan?

A. The ICP is a conservation plan that is intended to meet the requirements for issuance of an incidental take permit under Section 10(a)(1)(B) of the Endangered Species Act (ESA). Participation in the ICP is voluntary. The Service may choose to develop an ICP in an effort to increase the efficiency of ESA compliance when a particular recurring activity may result in an impact to a federally listed species. It offers project proponents a streamlined permitting process that results in the same assurances and protections as a Habitat Conservation Plan (HCP).

Q. What is the length of the ABB Industry Conservation Plan?

A. The ICP will be in effect for a period of two years for project construction and will cover operations and maintenance for a 20-year term.

Q. What areas are covered in the ABB Industry Conservation Plan?

A. The permit area includes 45 counties in Oklahoma including Adair, Atoka, Bryan, Carter, Cherokee, Choctaw, Cleveland, Coal, Craig, Creek, Delaware, Garvin, Haskell, Hughes, Johnston, Kay, Latimer, Le Flore, Lincoln, Love, Marshall, Mayes, McClain, McCurtain, McIntosh, Murray, Muskogee, Noble, Nowata, Okfuskee, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Pushmataha, Rogers, Seminole, Sequoyah, Tulsa, Wagoner and Washington.

Q. What activities are covered in the Industry Conservation Plan?

A. The ICP covers the take of the ABB that is incidental to activities associated with oil and gas exploration and the construction, operation, maintenance, repair, and decommissioning of oil and gas pipelines and well fields, and includes measures necessary to minimize and mitigate impacts to the ABB and its habitat.

Q. What minimization and mitigation measures are included in the ICP to address any incidental take of the ABB?

A. To mitigate effects of incidental take to ABBs, areas with temporary or permanent change in cover will be restored (replacing top soil, relieving soil compaction, re-establishing vegetation, and inspecting for invasive plant species, and treating if necessary) to ABB habitat within five years of the impact start date. Additional mitigation will be provided through off-site conservation and management of ABB habitat in perpetuity. Permittees will mitigate for temporary, permanent cover change and permanent impacts that result in take of the ABB through individual- or Permittee-responsible mitigation lands, conservation bank credits, or third party mitigation lands. All preserve acquisitions and assignments of credits will be reviewed and approved by the Service's Regional Ecological Services Office in Albuquerque. Additional minimization measures under the ICP include: limiting use of artificial light; providing education program for construction personnel; reducing motor vehicle, machinery and heavy equipment use; and limiting herbicide use.

Q. How can an Oil and Gas Company obtain coverage under the ICP?

A. Oil and gas project proponents may obtain coverage for activities impacting the ABB by submitting a complete permit application to the Service. Following receipt of a complete permit application, the Service will notice the application for public comments in the *Federal Register*. After receiving a permit, permittees are required to submit a complete Individual Project Package for Service approval prior to the initiation of activities that would impact the ABB. Additional information on obtaining a permit can be found at: <http://www.fws.gov/southwest/es/oklahoma/ABBICP.htm>

Q. How will industry address projects that might impact the American burying beetle after the Industry Conservation Plan expires?

A. The Service understands industry's need to have a long-term solution for carrying out activities that may result in the take of the ABB. The Service will continue to explore options to address a long-term solution for addressing projects that may result in take of the ABB in Oklahoma.